

Timothy W. Durkop, # 22985  
Durkop Law Office  
606 S. Pines Road  
Spokane Valley, WA 99206  
(509) 928-3848  
FAX (509) 921-7699

HONORABLE LONNY R. SUKO

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

FANO, INC., a Washington corporation,

Plaintiff,

vs.

T.D. Escrow Services Inc., DBA T.D.  
Service Company; TD Service Company;  
Law Offices of Steven J. Melmet Inc.,  
"THE ALLIANCE"; Kimberly Coonradt and  
John Doe Coonradt, husband and wife;  
Fairbanks Capital Corp.; Select Portfolio  
Servicing, Inc.; Bank of New York, as  
Trustee for the holders of the EQCC Asset  
Backed Certificates, Series 2001-2; Susan  
Earnest and John Doe Earnest, husband  
and wife.

Defendants.

Case No: CV-05-0337-LRS

TEMPORARY RESTRAINING ORDER  
AND ORDER TO DEPOSIT MONIES  
INTO THE REGISTRY OF THE COURT

**BASIS**

PLAINTIFF moved the Court for a Temporary Restraining Order restraining the trustee's sale scheduled for November 4, 2005 and for an Order directing payment of

1 the monthly payment on the underlying obligation to the Clerk of the Court pursuant to  
2 RCW 61.24.130. The trustee, TD Escrow Services, Inc. agrees to the entry of such an  
3 order. Now therefore the court makes the following:

4  
5 **FINDING**

6 After reviewing the case record to date, the complaint, the Plaintiff's Motion for a  
7 Temporary Restraining Order, Declaration of Marco T. Barbanti in Support of the  
8 Motion, and the Memorandum in Support of the Motion, the Court finds that good cause  
9 exists to issue the Temporary Restraining Order as provided in RCW 61.24.130  
10 conditioned upon Plaintiff paying to the Clerk of the Court the sum of \$419.89 per  
11 month. The Court also finds that the equity in the subject property is sufficient to secure  
12 any other costs incurred by the Defendants as a result of the entry of this Order.

13  
14 **ORDER**

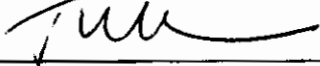
15 IT IS ORDERED that the trustee's sale scheduled for November 4, 2005 for the  
16 property which is the subject of this lawsuit is restrained and no sale may be scheduled  
17 until further Order of this Court. Plaintiff shall pay the sum of \$419.89 per month to the  
18 Clerk of the Court commencing with the month of November, 2005 and continuing until  
19 further Order of this Court. Said payment shall be made no later than the 7<sup>th</sup> day of each  
20 month it is due.

21  
22 Done in open Court this 3 day of November, 2005.

23 s/Lonny R. Suko

24 Honorable Lonny R. Suko  
25 United States District Court Judge

1 Presented by:

2 

3 Timothy W. Durkop 22985  
Attorney for the Plaintiff

4 Approved for entry  
5 Notice of presentment waived:

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7 David Leen, WSBA 3516  
8 Attorney for Defendant  
9 TD Escrow Services Inc.  
10 Application to Eastern District Pending  
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